

Submitted May 13, 2015
Approved as of
Date May 13, 2015

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION
MEETING NO. 08-2015
Wednesday, April 22, 2015**

The City of Rockville Planning Commission convened in regular session in the
Mayor and Council Chambers at 7:00 p.m.
Wednesday, April 22, 2015

PRESENT

Don Hadley, Chair

Anne Goodman	Charles Littlefield
David Hill	John Tyner, II
Jack Leiderman	

Present: Marcy Waxman, Senior City Attorney
Andy Gunning, Assistant Director CPDS
David Levy, Chief of Long Range Planning
Bobby Ray, Principal Planner
Margaret Hall, Planner II
Ann Wallas, Planner III
Nicole Walters, Planner II
Cindy Kebba, Planner III

I. RECOMMENDATION TO MAYOR AND COUNCIL

- A. Waiver Request, WAV2015-00008**, 1380 Piccard Drive. A waiver from the school capacity requirements of the Rockville Zoning Ordinance, pursuant to the waiver provisions of Section II.C. of the APFS (Adequate Public Facilities Standards). The waiver is needed in order to allow for the change of use from a 219 suite hotel to a 203 senior housing development (age-restricted 62 and over). Planner: Nicole Walters, 240-314-8215.

Nicole Walters presented her staff report and supports the request stating that it does not create any additional impact on school capacity but does not exempt the use from other Adequate Public Facility requirements such as transportation, fire and emergency access, water and sewer, all of which would be reviewed under the site plan amendment. Ms. Walters also answered questions from the Commission.

Erica Latham of Ballard Spahr stated that her client agrees with the staff report. She also addressed a question from the Commission regarding age restrictions, as well as the Fair Housing Act with regards to housing for over 62 years. To comply with Federal law, there cannot be anyone under the age of 62 living in the apartments. This law not only applies to this building but with all 62+ senior apartments. Ms. Latham stated that her client will comply with

the law and plans to strictly enforce the law. She also answered questions from the Commission.

Rob Silvin with Capehurst Interest answered a question from the Commission regarding third-party contract/rental agreement obligations.

Commissioner Leiderman suggested that staff provide MCPS with a list of the age-restricted communities so they understand that students should not be registered for school from those locations.

Staff agreed to do so.

Commissioner Tyner moved, seconded by Commissioner Goodman, to approve WAV2015-00008, as a waiver from school capacity requirements of the City of Rockville's Zoning Ordinance Section 2C of the APFS as well as the conditions mentioned in the staff report.

The motion passed 6-0.

B. Final Record Plat PLT2015-00542, Rockville Town Center, LLC (KSI/Kettler)

A Final Record Plat Application for the re-subdivision of Lot 23 of Block D, Plat No. 23592 ("City Center") containing 2.09 acres of land (91,453 square feet). The property is located in the PD-KSI (Planned Development - KSI Apartments) Zone. Bobby Ray, Principal Planner 240-314-8228.

Bobby Ray presented his staff report recommending approval. Mr. Ray answered questions from the Commission.

Nancy Regelin of Lerch Early Brewer stated that her client is due to approve the record plat so they can move forward to obtain their building permits and they also accept revisions to staff's exhibits.

Commissioner Tyner moved, seconded by Commissioner Leiderman, to approve the final record plat subject to the recommended conditions on page 6 of the staff report. Chair Hadley mentioned for the record there are no required findings.

The motion passed 6-0.

C. Request for Street Name Change. At the request of Choice Hotels International, a proposal has been made to change the name of Renaissance Street to one of four suggestions. Bainum Way, Quality Court, Gatsby Way and Convergence Avenue have been offered for consideration. Planners: Margaret Hall, 240-314-8226 or Andy Gunning, 240-314-8206.

At the request of the applicant, this item was deferred to the May 27, 2015 Planning Commission meeting.

Commissioner Leiderman moved, seconded by Commissioner Tyner, to defer this Item to the May 27, 2015 Planning Commission meeting.

The motion passed 6-0.

The meeting recessed at 8:00 pm and reconvened at 8:08 pm.

II. DISCUSSION ITEMS

- A. Draft Rockville's Pike Plan - Review of letter from Mayor and Council** (continued from April 8). The Mayor and Council completed their review of the Planning Commission's draft plan and have provided suggested modifications for the Commission to consider prior to formally transmitting it for adoption.

David Levy and Cindy Kebba resumed the discussion regarding the following items deferred to staff from the last meeting: #31 Accessory Building Heights, #43 Historical Resources/Designation of New Buildings and Structures, and Page 3 added text.

Commissioner Leiderman moved to adopt Mayor and Council's suggestions on the Fleet Street issue. The motion failed for lack of a second.

Commissioner Hill moved, seconded by Commissioner Goodman, to retain the Commission's existing description of Fleet Street in the plan, with the addition of Commissioner Tyner's proposed text. The motion passed 4-2 (Commissioners Leiderman and Littlefield voted No).

Chair Hadley added the following edits to the previous motion, "the second paragraph on pages 14-16, which would follow Commissioner Tyner's insertions, changing "will provide" to "would provide" in order to be consistent with the contingent nature of what has been presented."

Commissioner Tyner restated his insertion of the motion for clarity. "This plan keeps the possibility of such a link intact depending on future circulating needs of the neighborhood. In addition, the function and parameters of this extension have been significantly downsized in recognition of the community concerns."

The discussion moved to the section regarding "Vision Zero"

Commissioner Leiderman moved, seconded by Commissioner Tyner, recommending to remove the "Vision Zero" brand name and suggested the following language: "the design of roadways and implementation of the plan should work towards the goal of eliminating traffic fatalities and serious injuries on Rockville's roads."

Commissioner Littlefield offered a friendly amendment suggesting the following language: "human life and health are paramount and take priority; effective strategies for Rockville should be applied in the design of roadways and implementation of the plan or towards a goal of eliminating traffic fatalities and serious injuries on Rockville's roads."

Chair Hadley offered a friendly amendment suggesting the following language: "that we make it a priority in the design of roadways and implementation of the plan, to establish goals and strategies that eliminate traffic fatalities and serious injuries."

Chair Hadley proposed a rewording of this amendment with the following language: "It is the goal of the City in the design of roadways and implementation of the plan to eliminate traffic fatalities and serious injuries."

Chair Hadley offered a final rephrasing of this amendment with the following language: “It is a goal in the design of roadways and implementation of the plan, to work toward the goal of eliminating traffic fatalities and serious injuries.”

Commissioner Leiderman moved, seconded by Commissioner Tyner to withdraw his initial motion but moved to incorporate Chair Hadley’s language.

The motion passed 6-0.

Commissioner Hill moved, seconded by Commissioner Tyner, “to take the wording of Council Item #33 on page 432 of the Draft Plan, under the first bullet and we adopt the first sentence of that and place a period at the end and start a new sentence with the word “Ground floor.”

Chair Hadley restated the Commissioner Hill’s motion, to adopt a first sentence which is “that is proposed by the Mayor and Council” and to a second sentence which begins with the existing first bullet starting with “Ground floor dwelling units within multi-family buildings must be set-back...”

The motion passed 5-0-1 (Commissioner Littlefield abstained).

Commissioner Leiderman moved, seconded by Commissioner Hill, to keep the draft plan wording and change the word “everywhere” to “anywhere.”

The motion passed 6-0.

- B. Comprehensive Master Plan Update.** The Commission will discuss the update process and the kickoff event scheduled for May 9.

David Levy informed the Commission the meeting will be held May 9, 2015 from 10:00 am to 1:00 pm, Buchanan Room at the VisArts Center in Town Square. He also provided a summary of the meeting’s agenda.

III. COMMISSION ITEMS

- A. Staff Liaison Report – Mr. Gunning provided a overview of the upcoming Commission meeting on May 13th, stating there will be two action items, the CMP Kick-off debriefing, and Pike Plan Discussion. He also reminded the Commission to complete the survey.
- B. Old Business
- C. New Business
- D. Minutes
- E. FYI Correspondence

IV. ADJOURN

There being no further business to come before the Planning Commission, the meeting adjourned at 11:05 p.m.

Respectfully Submitted,

Sandra Y. Driver, Commission Secretary